

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES LANGONE, as FUND MANAGER
of the NEW ENGLAND TEAMSTERS AND
TRUCKING INDUSTRY PENSION FUND

Plaintiff,

v.

MARK EQUIPMENT CORPORATION

Defendant,

C.A. No. 05-10369 JLT

DECLARATION OF DAMAGES AND TAXABLE COSTS

Charles Langone, being first duly sworn, deposes and says:

1. I am employed as the Fund Manager of the New England Teamsters and Trucking Industry Pension Fund (hereinafter the "Fund") located at 535 Boylston Street, Boston, MA 02116.

2. Defendant is obligated to make contributions pursuant to one or more collective bargaining agreements with Teamster Local Nos. 25 and 379.

3. In accordance with 29 U.S.C. §1132(g)(2), the Defendant owes to the Fund the following:

- a. Delinquent contributions in the amount of \$21,092.50 in accordance with its agreement with Teamsters Local 379 for the period of July 2004 through present pursuant to remittance reports submitted by the Defendant and estimated contributions for months in which remittance reports were not submitted. Estimates are

based on an average monthly contribution for six (6) months prior to the delinquencies.

- b. Delinquent contributions in the amount of \$8,879.01 in accordance with its agreement with Teamsters Local 25 for the period of July 2004 and February 2005 through present pursuant to remittance reports submitted by the Defendant and estimated contributions from months in which contributions reports were not submitted. Estimates are based on an average monthly contribution for six (6) months prior to the delinquencies.
 - c. Total delinquencies are \$29,971.51.
 - d. Interest, which has accrued on the above principle sums of \$637.10. Interest was calculated at a rate of 4% for the period of July 2004 through September 2004, at a rate of 5% for the period of October 2004 through March 2005 and at a rate of 6% for April 2005 through present, compounded monthly, pursuant to the Fund's Agreement and Declaration of Trust.
 - d. Liquidated damages in an amount equal to the greater of either the amount of interest (i.e. \$637.10) or liquidated damages of twenty percent (20%) of the principal (\$5,994.30). Consequently, Plaintiff is entitled to \$5,994.30.
 - e. Reasonable attorneys fees and costs in the amount of \$4,141.39.
3. Based on the foregoing, the Defendant owes the Fund a total of \$40,744.30.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 15th
DAY OF JUNE 2005


Charles Langone

Then personally appeared before me Charles Langone, who under oath did swear
that the above affidavit is true to the best of his knowledge and belief.


Notary Public

My commission expires:

Joanne L. Mason
Notary Public
My Commission Expires
November 20, 2009

